

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Clayton Andrew Perry, et al.,

Plaintiffs,

v.

Mill Valley Police Department, et al.,

Defendants.

No. C 05-4686 WDB

ORDER RE CONSENT OR REQUEST
FOR REASSIGNMENT,
SETTING BRIEFING SCHEDULE,
AND CONTINUING DATE FOR
INITIAL CASE MANAGEMENT
CONFERENCE

TO ALL PARTIES AND COUNSEL OF RECORD:

This case was randomly assigned at filing to the undersigned United States Magistrate Judge. Without the written consent of all parties to jurisdiction pursuant to 28 U.S.C. section 636(c), a Magistrate Judge may not hear and determine a motion that could be dispositive of an action or a claim or defense. On January 10, 2006, defendants filed a Motion to Dismiss Pursuant to FRCP 12(b)(6) -- a potentially dispositive motion. In light of defendants' pending motion, the Court asks the parties to consider the attached "Consent to Assignment or Request for Reassignment," make an election, and file the consent or request for reassignment **by no later than January 23, 2006.**

Plaintiffs' opposition is due **March 2, 2006.** Defendants' reply is due **March 9, 2006.** If all parties consent to Magistrate Judge jurisdiction pursuant to 28 U.S.C. section 636(c), the undersigned will conduct a hearing on defendants' motion on **March 23, 2006, at 1:30**

1 **p.m.**, in Courtroom 4, 3rd Floor, United States Courthouse, 1301 Clay Street, Oakland,
2 California 94612.

3 If any party requests reassignment to a district judge, the March 23, 2006, date will
4 be vacated, and defendants' motion will be re-noticed for hearing before the district judge to
5 whom the case has been reassigned at the discretion of that judge.

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7 In light of defendants' pending motion, the Initial Case Management Conference is
8 hereby **CONTINUED to April 3, 2006, at 4:00 p.m.**

9 IT IS SO ORDERED.

10 Dated: January 11, 2006

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12 _____
13 WAYNE D. BRAZIL
14 United States Magistrate Judge

12 Enclosures

13 Copies to:
14 Parties, WDB, Stats.